

DELEGATED DECISION REPORT

SMD/2021/0266
Valid 12/04/2021

FLYING HORSE INN
130 ASHBOURNE ROAD
LEEK

DEMOLITION OF PUBLIC
HOUSE AND ERECTION OF
5NO. DWELLINGS

(FULL - HOUSEHOLDER)

MAIN ISSUES

- Whether the development is acceptable in principle.
- Impact on the character and appearance of the existing dwellinghouse and the surrounding area.
- Impact on neighbouring amenity.
- Impact on highway safety.
- Impact on existing trees.
- Impact on the setting of a Listed Building.
- Impact on Ecology.

DESCRIPTION OF SITE

The application site comprises a detached two-storey, double-fronted former public house that has been previously extended to the side and rear with both single storey and two-storey extensions. The building is rendered with a tiled double pitched roof and its front elevation is positioned along the back edge of the pavement fronting onto Ashbourne Road. To the rear of the public house is a large surface car park with a grass verge along the northwestern boundary that separates the car park from the adjacent pavement. The grass verge contains 6no. semi-mature trees (not TPO protected).

The public house fronts onto Ashbourne Road (to the east) and is bounded by Pickwood Avenue to the north, Prospect Road to the west (rear) and a row of two-storey terraced dwellings and a commercial unit to the south. Dwellinghouses are the predominant land use surrounding the application site however, the Grade II Listed former Moorlands Hospital is located on the opposite side of Ashbourne Road. The application site is located within the Development Boundary of Leek.

PROPOSAL

Full planning permission is sought for the demolition of the existing vacant public house and the erection of 5no. two-storey dwellings.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

S1	Development Principles
1a	Presumption in Favour of Sustainable Development
SS2	Settlement Hierarchy
SS5	Leek Area Strategy
DC1	Design Considerations
DC2	The Historic Environment
T1	Development and Sustainable Transport
H1	New Housing Development
NE1	Biodiversity and Geological Resources
NE2	Trees, Woodland and Hedgerows
C1	Creating Sustainable Communities

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 4, 5, 12, 15, 16

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 21/05/2021

Neighbour consultation period ends: 14/05/2021

Press Advert: 26/05/2021

Public Comments: Four comments have been received from three separate people who have raised the following concerns:

- Concern over where neighbours will park their cars if the public house's car park is built upon. The public house's car park is used for parking by disabled people. Building on it will remove this parking facility.
- That the proposed development will provide insufficient parking for the dwellings proposed.
- They do not want the existing trees to be removed. Replacement trees will take many years to mature to the size of the existing trees.
- The existing pub is a community asset and should be retained.
- The information submitted in respect of the sale of the public house is incorrect as a neighbour made an offer on the property to restore the fabric of the community asset to its former prosperity.
- Community or affordable housing would be better suited for the site.

Comments in respect of alternative designs and a reduction in the number of dwellings are not a material planning consideration; a decision has to be made on the scheme as submitted.

Town / Parish Comments: Leek Town Council raise no objection subject to the comment: not unneighbourly.

Severn Trent Water: No objection to the proposals subject to a pre-commencement condition in respect of drainage being applied.

AES Waste: No issues regarding waste collections. Note: Bins should be presented on Pickwood Avenue on collection days.

SCC Highways: No objection on highways grounds subject to conditions.

Tree Officer: All 6 existing trees are not of good enough quality and/or condition to serve as objection to/reason for refusal of the planning application, nor as constraints to be retained and designed around by amendment to proposed layout.

All 6 are habitually pollarded Limes – every few years their crowns are removed, which is periodically visually severe until there has been significant re-growth, but having set out on this form of repeated management there is often a reasonable need to keep it going as otherwise there will be increasingly heavy crown weight developing on gradually decaying repeated pollard pruning points. This is irrespective of development proposals. Ground level appears to have been (historically) raised around the base of all 6 trees, with no visual evidence of natural root splay/buttrressing; this is likely to cause decline in condition and problems such as stem base decay in the long term. In addition, from the Ashbourne Road end (i.e. same numbering as applicant's tree report):

T1 – large decaying cavity to main stem; whilst it is unlikely to fail, especially given periodic crown weight removal by the repeated pollarding, it definitely downgrades its reasonable retention/justifiable refusal category.

T2 – significant lean to main stem; crown seems a bit sparse, possibly initial signs of decline due to raised ground levels noted above.

T3 – fruiting bodies of Kretschmaria noted to base of stem, this is a dangerous wood decay fungus which causes sudden brittle fracture of the stem base/main roots and whole tree failure, felling recommended irrespective of development proposals.

T4 – notable lean to main stem; decaying longitudinal wound to main stem.

T5 – significant lean to main stem.

T6 – no specific issues other than the common/general ones noted above.

I have no objection to the application including proposed removal of all 6 trees, which is considered appropriate/justified in the circumstances, with long term interests best served by securing suitable replacement tree planting through a landscaping scheme if planning permission is granted.

Conservation Officer:

First Response: We require a heritage statement with this application. The pub is opposite the Listed hospital on the Ashbourne to Congleton Turnpike Road and we need to understand its historic significance and any relationship with the former workhouse, in accordance with the NPPF (para.189).

The property is prominent in the streetscene and also marks the junction into Pickwood Avenue. The application needs to assess impact on the setting of the Listed Building.

If the building is considered suitable for demolition then the replacement buildings should reflect the distinctive quality of Ashbourne Road and the historic buildings in the immediate vista. We should be looking for a terrace of houses fronting Ashbourne Road to give visual continuity. The gable end is quite wide and the Pickwood Avenue Elevation appears to show a rear dormer that is not on the elevation drawings.

Boundary details and building details will be important.

Second Response: The heritage value of the building is limited – it has no link with the former workhouse across the road, of little aesthetic value (and much altered) and its greatest value is probably its connection to the social history of the area. I do not consider that its retention is justified and we therefore need to secure a well-designed replacement development.

Just looking at the layout – what is the boundary detail on Pickwood Avenue where the rear garden to Plot 3 kicks out towards the road? Will we be looking at a solid boarded fence here? Can't this be set in and planted behind?

The design and siting of the buildings will integrate well with the streetscape. Can we condition:

- Facing materials
- Eaves, verge and chimney details
- Joinery including porches, cills and lintels
- Boundaries and landscaping

Environmental Health:

Noise and Sound Insulation: A site specific noise assessment should be submitted for this development to determine the sound insulation required to ensure external noise does not adversely impact on future residential amenity. The noise source which should be addressed is road traffic noise. Any noise assessment and sound insulation scheme should be undertaken in compliance of BS8233:2014 and PROPG (New Residential Development). The noise assessment (sound insulation scheme) could be set out as a condition if agreement is made with the applicant.

Land Contamination: Although the site is unlikely to be significantly contaminated it is a brownfield site and has been used as a public house for many years. There is therefore the possibility for some low level contamination originating from this use and

the associated car park; e.g. hydrocarbon contamination, asbestos, boilers, cleaning chemicals etc.

Prior to development therefore a contamination risk assessment should be undertaken to identify any remediation is required ensure the site is suitable for the proposed end use.

Recommendation: The Environmental Health department have no objections in principle subject to the following conditions being applied to any permission granted.

OFFICER COMMENTS

Principle of Development

Paragraph 11 of the National Planning Policy Framework (NPPF, 2021) promotes a 'presumption in favour of sustainable development'. For decision takers this means (c) approving development proposals that accord with an up-to-date development plan without delay; or (d) where there are no relevant development plan policies, or the policies which are more important for determining the application are out-of-date, granting permission, unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Paragraph 8 of the NPPF (2021) identifies three dimensions to sustainable development as being economic, social and environmental. In accordance with policies SS1 and 1a of the Staffordshire Moorlands Local Plan, the Council will expect all new development to make a positive contribution towards the sustainability of communities and to protecting, and where possible, enhancing the environment. When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2021).

The application site is located within the Development Boundary of Leek; a 'town' as identified by Local Plan policies SS2 and SS5. Policy SS5 comprises the Area Strategy for Leek which seeks to consolidate the role of the town as the principle service centre and a market town and support its regeneration. To do this, one of the policy's aims is '*Supporting the development of new housing on sustainable sites within the Development Boundary*'.

The application proposes the construction of 5no. open market dwellings within the Development Boundary of Leek, on the A523 Ashbourne Road with its bus stops. Leek town centre is approximately a 15 minute walk away and the surrounding area contains a convenience store. The application site is therefore within a sustainable location and is considered acceptable in principle.

Housing Policy

Policy H1 of the Local Plan (2020) outlines the policy approach to new housing within the District. The policy states at (4) that *'housing development on sites not allocated for such purposes in Policy H2 will be supported as follows: (a) Within the Development Boundaries of the towns and larger villages, residential development and development on unidentified (windfall) sites will be permitted, subject to compliance with the Spatial Strategy and wider Local Plan policies'*.

The application site is located within the Development Boundary of Leek and comprises a small-scale 'windfall' housing site. The proposed development will therefore comply with policy H1 of the Local Plan (2020).

Loss of Community Facility

Policy C1 of the Local Plan (2020) seeks to resist proposals involving the loss of community facilities unless an alternative facility of the same type and quality meets the needs of the community or a viability appraisal including a marketing exercise demonstrates there are no options for continued or shared use as any type of community facility.

The proposed development will result in the demolition of an existing public house (a community facility as defined by paragraph 7.100 of the Local Plan, 2020) and its redevelopment with 5no. dwellinghouses. The existing public house has been closed for an extended period of time.

The Planning Statement submitted with the planning application states at paragraphs 5.5 and 5.6:

'The Flying Horse Inn has been actively marketed as a going concern on behalf of the previous owners, Admiral Taverns. Correspondence from the marketing agent involved in disposing of the premises is enclosed as Appendix A and confirms that the property had an initial asking price of £325,000 which was subsequently reduced twice down to £275,000. The report from the marketing agent confirms that a total of 7,356 sets of details were sent to interested parties, and that the site was continuously marketed between January 2020 and December 2020 via a number of websites. A copy of the Sales Particulars is enclosed as Appendix B.

Most pertinently, it is confirmed that there were only two offers made, and in both cases the interest was in acquiring the site for re-development and not for reuse as a public house or other community facility.'

These comments are disputed by an objector who enquired about purchasing the property and was told that the vendor was looking for offers in excess of £250,000. They state that an offer was made in June 2020 for £200,000, which reflected the necessary investment to restore the fabric of the building back into its former use. They state that they were not able to make their case to the vendor.

Whilst the objector's comments contradict the Planning Statement in that their offer was made in respect of acquiring the site for the continued use of the building as a community asset rather than the redevelopment of the site for another purpose, it

does outline that the objector's offer was substantially below the already twice reduced asking price and therefore it is not surprising that it was not accepted by the vendor. In addition, the objector's comments show that the vendor was willing to accept an offer of £25,000 less than the already twice reduced asking price, showing their willingness to be flexible in order to find a buyer.

The marketing exercise undertaken by the previous owners is considered robust and no offers were made close to either the initial asking price, nor the significantly reduced price to retain the public house as a community facility. The application site is within the town of Leek, in walking distance of the town centre, where there are numerous other public houses available to meet the needs of the community. It is for these reasons that the loss of the public house will comply with policy C1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

Design

Policy DC1 of the Local Plan (2020) refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Paragraph 130 of the NPPF (2021) requires the design of a development to add to the overall quality of an area, by being sympathetic to local character and by being visually attractive as a result of good architecture. The Council's Design Guide SPD outlines the Council's expectations in respect of design.

The proposed development will comprise 5no. two-storey dwellinghouses, with 3no. plots facing onto Ashbourne Road and 2no. plots facing onto Prospect Road. The 3no. plots facing onto Ashbourne Road will comprise the same internal layout however, plot 1 will be a detached dwellinghouse and plots 2 and 3 will be semi-detached. Plots 1-3 will be of the same design but plot 3 will incorporate half-dormers above the first floor rear windows. Plots 4 and 5 fronting onto Prospect Road will comprise detached dwellinghouses of the same design which will include a stepped forward gable section to the front elevation. The proposed dwellings will all have pitched roofs and will be constructed of brick with a tiled roof and white UPVC windows.

To the rear of plots 1 – 3 there will be a parking area, providing 2no. spaces for each of these dwellinghouses. The parking area will be accessed from Pickwood Avenue to the north and is required as access onto Ashbourne Road (an A-road) from each of these dwellings is not possible unless they can turn around within the site and exit in a forward gear. Plots 4 and 5 will be served by their own private driveway located to the side of each dwellinghouse, with an access onto Prospect Road. Each dwellinghouse will be set back from the highway by a small front garden and will be served by private amenity space to the rear of each property.

The surrounding area is predominantly residential, with the majority of the dwellinghouses constructed in the late 1980s/early 1990s. The proposed housing development will have a similar scale, appearance and materials as those dwellings

located on the opposite side of Pickwood Avenue and Plots 1 – 3 have a similar building line as the adjacent row of terraced properties that front onto Ashbourne Road.

Some minor alterations were suggested by the Planning Officer to improve the appearance of the proposed dwellings and these revisions were duly made. Subject to conditions in respect of materials and details, it is considered that the proposed housing development will reflect the character and appearance of the surrounding area and will comply with policy DC1 of the Local Plan (2020), the Design Guide SPD and the NPPF (2021) in respect of design.

Heritage

Policy DC2 of the Local Plan (2020) seeks to safeguard, and where possible, enhance the historic environment, resisting development which would harm or be detrimental to the special character and historic heritage of the District's towns and villages.

Paragraph 199 of the NPPF (2021) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 of the NPPF (2021) states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The application site is located opposite the Grade II Listed former Leek Moorlands Hospital, whilst Ashbourne Road is a non-designated heritage asset as a former turnpike road. Therefore the proposed development has the ability to affect the setting of both a heritage asset and a non-designated heritage asset.

The Conservation Officer requested that a Heritage Statement be submitted to support the planning application. A robust Heritage Statement was subsequently submitted. The Conservation Officer has confirmed that the heritage value of the public house is limited and has no link with the Listed former workhouse on the opposite side of Ashbourne Road. She therefore does not consider that the retention of the public house can be justified on heritage grounds.

In respect of the proposed housing development, the Conservation Officer considers that the design and siting of the buildings will integrate well with the streetscene. She therefore does not raise an objection to the development subject to conditions. She does however, question if the boundary treatment to the rear of plot 3 could be set in and softened with planting. This could be dealt with by way of a boundary treatment condition.

As no harm has been identified to the setting of the Listed Building on the opposite side of the road or the non-designated turnpike road, it is not necessary to weigh the

development against the public benefits of the proposal. The development is therefore considered to comply with policy DC2 of the Local Plan (2020) and chapter 16 of the NPPF (2021) in respect of heritage assets.

Amenity

Local Plan policy DC1 and paragraph 130(f) of the NPPF (2021) seek to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

The proposed dwellings will have no principal windows within their side elevations, they will comply with the 45-degree guideline in respect of one another and will exceed the separate distances outlined in the 'Space About Dwellings SPG'. The garden sizes of the proposed dwellings will either comply or exceed the 65 sq. m. as detailed within the SPG. The proposed dwellings will also comply with the Nationally Described Space Standards. It is for these reasons that the proposed dwellings will have an acceptable relationship to one another and the future occupants will enjoy an acceptable level of amenity.

The dwellinghouses fronting onto Ashbourne Road will following a similar building line to the adjacent row of terrace properties and therefore the dwellinghouse on plot 1 will comply with the 45-degree guideline in respect of No. 132 Ashbourne Road. No windows are located within the side elevation of No. 132 Ashbourne Road and no windows are proposed within the side elevation of the dwellinghouse at Plot 1. The amenity of No. 132 Ashbourne Road will therefore not be adversely affected by the proposed development.

To the north of the application site, on the opposite side of Pickwood Avenue, is a housing development that was constructed in the late 1980s/early 1990s. Only secondary windows will be located within the side elevations of Plots 3 and 4 and these dwellings will exceed the 14 metre separation distance as outlined within the 'Space About Dwellings SPG'. The proposed development will therefore not adversely affect the amenity of these dwellings.

Plots 4 and 5 will directly face towards an area of informal open space on the opposite side of Prospect Road, thereby not resulting in any amenity issues. Plot 5 will be sited adjacent to a detached commercial building known as Prospect Works. It is unclear what this building is used for, however it is already sited in close proximity to existing dwellinghouses and Environmental Health has not raised an issue with the development being sited adjacent to this premises. It is therefore not considered that the adjacent commercial use will adversely affect the amenity of the proposed dwellings, nor will the proposed dwellings affect the continued operation of the commercial premises.

It is for these reasons that the proposed development will comply with policy DC1 of the Local Plan (2020) and the NPPF (2021) in respect of amenity.

Highway Safety

Policies DC1 and T1 of the Local Plan (2020) seek to achieve a level of parking and an access that is appropriate to the development it serves.

The housing development will be served by a parking court to the rear of Plots 1, 2 and 3 that will provide 6no. spaces (two for each of these plots). Plots 4 and 5 will be served by their own driveway that will each provide space for the parking of 2no. vehicles.

The Highway Engineer has assessed the application and made the following comments:

'The proposed access point to parking area for plots 1 to 3 is approximately 25m from the junction with Ashbourne Road. As vehicles will be required to slow down for the junction, this level of visibility will be reasonable.

There is an existing access point to the pub off Ashbourne Road which will be redundant should this development be permitted. To avoid any confusion this access point will need to be reinstated to footway with full height kerb in the interests of highway and pedestrian safety.

Similarly only part of the existing access off Prospect Road will be required for access to plot 4. That part not required for the access to plot 4 will need to be reinstated to footway with full height kerbs.

Conditions are recommended above to deal with surfacing and surface water drainage.

Drainage of drives, parking areas and roofs should be considered and provided on SUDS principles such as by directing flows to grassed areas/borders, soakaways or natural aquifer SUDS products.'

Subject to conditions and an informative, the Highway Engineer raises no objection to the proposed development.

Concern has been raised by residents that the proposed development will not contain enough off-street parking however, the number of parking spaces proposed complies with the Parking Standards outlined at Appendix 2 of the Local Plan (2020). Therefore the amount of parking is acceptable.

Concern has also been raised that the redevelopment of the site will result in the existing public house's car park being built upon. Residents have stated that they have been utilising this car park to park their own vehicles and wonder where they will be able to park their cars if the development goes ahead. The public house's car park is private land to be utilised by patrons of the public house. The carpark could be closed and fenced by the owner at any time. The redevelopment of the site will therefore not result in the displacement of any designated parking area for residents and therefore the inability of residents to use this space in the future for the parking of their vehicles is not a material planning consideration.

For the reasons outlined above, it is not considered that the proposed development will have a detrimental effect on highway safety and it will comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

Biodiversity

Policy NE1 of the Local Plan (2020) seeks to protect and enhance site biodiversity and expects all development, where possible, to deliver a net gain in biodiversity proportionate to the size and scale of the development.

The application involves the demolition of the existing public house which has been empty for a period of time. A bat survey was undertaken of the public house and concluded:

'The existing public house building no.130 Ashbourne Road is found to be in very good structural condition, with no potential access points and no roosting or nesting features identified during the external appraisal. Internally, the cellar, ground floor and first floor levels have until recently been in active use and offer no potential value to bats. The accessible loft spaces were found to be well-sealed and showing no evidence to indicate bat usage or access.

No evidence of any bat or bird activity was found anywhere inside the building. Overall, the site is assessed to be of Negligible Bat Roost Potential. The absence of any evidence of bats or bat activity also indicates that bats are currently absent from the site. Nesting birds were also found to be absent.

As a result, it is recommended that the proposed demolition works may proceed without any constraint relating to roosting bats or to nesting birds.'

The proposed development will therefore not adversely affect protected species or nesting birds.

The majority of the site comprises an area of hard surfacing that was formerly used as the public house's car park. The proposed development will result in the formation of landscaped rear gardens that will have the potential to be more beneficial to biodiversity than the existing site. Overall it is considered that the proposed development will result in a net gain in biodiversity.

It is for these reasons that the proposed development is considered to comply with policy NE1 of the Local Plan (2020) and the NPPF (2021).

Trees

Policy NE2 of the Local Plan (2020) seeks to protect existing trees, woodlands and hedgerows from loss or deterioration. This will be achieved by requiring them to be retained and integrated within a proposed development unless the need for and benefits of the development clearly outweigh their loss. It goes on to state that the Council will refer to its adopted Tree Strategy in the consideration of proposals and will seek to retain as many trees and as much hedgerow on site as possible.

Policy 2.2.6 of the Council's adopted Tree Strategy states that *'the Council will not normally grant planning permission for development proposals which directly or indirectly threaten trees of significant amenity unless there is overriding justification to do so'*.

Along the northern boundary of the application site is a grass verge which contains 6no. semi-mature trees. The proposed dwellings will be stepped back from the pavement, allowing soft landscaping to be retained along this boundary. However, it is proposed to fell the existing trees and replant new ones. Concern has been raised from a resident in respect of the loss of these trees and that replacement trees will take a considerable time to reach the same level of maturity. It should be noted that these trees are not TPO protected nor protected by virtue of being sited within a Conservation Area.

An Arboricultural Impact Assessment and Method Statement has been submitted with the planning application. The trees along Pickwood Avenue comprise 6no. limes. The report states that all of the trees have been pollarded in the past and have been reduced back to cut points on a cyclical basis. As such, they are low quality and have been assessed as Category C.

The report goes on to state: *'The removal of T1, T2, T5 and T6 are required for the implementation of the proposed development although it is my recommendation that T3 and T4 are also removed and replaced with better specimens. No facilitation pruning is required.'*

The Tree Officer has assessed the application and agrees with submitted the Arboricultural Impact Assessment and Method Statement. He considers the removal of the trees and their replacement with new specimens is the best outcome.

On this basis, the removal of the existing trees is regrettable but is justified by their poor quality. Replacement planting is indicated on the Proposed Site Plan in a similar location to the trees to be felled and 1no. within the rear garden of Plot 5. Further details of any replacement planting should be conditioned accordingly and should involve, as a minimum, the provision of 6no. trees to replace the 6no. that will be lost. Subject to the imposition of such conditions, the proposed development will comply with policy NE2 of the Local Plan (2020) and the NPPF (2021).

CONCLUSION / PLANNING BALANCE

The concerns of residents have been taken into consideration however, for the reasons outlined above, the proposed development is considered to accord with the relevant policies contained in the Staffordshire Moorlands Local Plan (2020) and the NPPF (2021). As such the application is recommended for approval.

OFFICER RECOMMENDATION: APPROVE subject to Conditions

Case Officer: Ailsa Berry

Recommendation Date: 03/09/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council